

# Notice of Allowability

Application No.

09/618,209

Examiner

Aravind K. Moorthy

Applicant(s)

ENEBOE, MICHAEL K.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/3/06.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### **DETAILED ACTION**

1. This is in response to the remarks filed on 3 March 2006.
2. Claims 1-19 are pending in the application.
3. Claims 1-19 have been allowed.

#### ***Response to Arguments***

4. Applicant's arguments, see page 2, filed 3 March 2006, with respect to claims 1-19 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

#### ***Terminal Disclaimer***

5. The terminal disclaimer filed on 3 March 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 09/618,765 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Allowable Subject Matter***

6. Claims 1-19 are allowed.

The following is an examiner's statement of reasons for allowance:

One embodiment of Applicant's system is generally directed to a content delivery service. In one embodiment, executable code in a disk controller circuit in a disk drive is manufactured so as to, under the occurrence of a selected condition, initiate execution of a server-contacting program. The disk controller circuit may delay the initiation of the execution of the server contacting program until a predetermined period has lapsed or, alternatively, it may count the number of times a personal computer associated with the disk drive has been booted. After execution, the server-contacting program uses a network address that is stored in the disk drive to

contact a content delivery server. The content delivery server then delivers content to the personal computer.

Turning to the claims, it is seen that independent Claim 1 recites *"installing firmware in the disk drive to initiate execution of the server-contacting program after the disk drive is connected to the computing subsystem in the personal computer system, wherein execution of the servercontacting program includes using the network address for connecting the personal computer system to the content delivery server."* Independent Claim 11 recites *"a disk drive connectable to the computing subsystem, the disk drive comprising: a network address, and a server-contacting program; and a disk controller circuit in the disk drive that, upon the occurrence of a selected condition, determines to initiate execution of the server-contacting program after the disk drive is connected to the computing subsystem in the personal computer system, wherein execution of the server-contacting program includes using the network address for connecting the personal computer system to the content delivery server."*

The closest prior art to the current application is Li et al U.S. Patent No. 6,119,162. Li et al describes a system in which one of a number of LAN networked computers serves as a gateway to an ISP. According to Li, using server software, any of the computers connected to the LAN can be dynamically selected as the server. The server software is installed on all of the computers that are connected to the LAN. If one of the servers is shut down or disconnected from the network, the other computers select a new server from the available computers.

However, Li et al fails to teach or suggest installing *firmware* in a disk drive to initiate execution of a server-contacting program. In Li et al, the server software is executed by a central

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processing unit in the computer and it is not executed in the disk drive itself, i.e., it is not firmware.

Furthermore, this limitation is not taught or suggested by U.S. Patent No. 6,170,014 Darago et al. Darago et al is generally directed to a computer architecture for managing courseware in a shared use operating environment. Darago et al was primarily relied upon for teaching a system for sending, receiving, and display information from a content delivery server. However, Darago et al, like Li et al, fails to teach or suggest providing *firmware* in a disk drive to initiate execution of a server-contacting program.

Since Claims 2-10 and 12-19 each depend on one of Claims 1 and 11, these claims are allowable for at least the reasons discussed above and the subject matter of their own limitations.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy   
May 21, 2006

  
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